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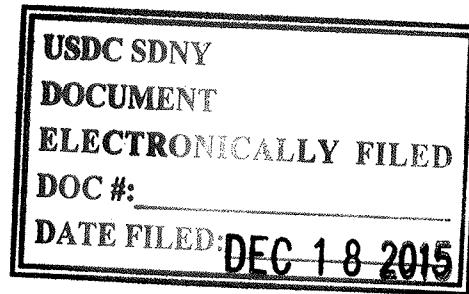
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DENNIS M. PERLBERG
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December 17, 2015

Hon. Alison J. Nathan
United States District Court
For the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: James Fischer v. Dean Eric Stiglitz
Case No.: 15 CV 6266
Claim No.: 20-X-2XH302
Our File No.: 15-120 DMP (17)



Dear Judge Nathan:

We are counsel for the Defendants in the above matter.

On December 17, 2015, we received Plaintiff's 18 page letter that he allegedly forgot to serve in opposition to the pending motion by Defendant, Dean Stiglitz ("Stiglitz") to dismiss the amended complaint. Also received was a three page proposed sur-reply to the motion.

On page 6 of 18 of this submission, Plaintiff states:

Regardless, Plaintiff's unilateral and unconditional withdrawal of the defamation claim is not open for debate.

Based upon this concession, Defendants request that the Third Cause of Action for defamation in the Amended Complaint be dismissed with prejudice on consent.

As to the other statements and arguments made in the two submissions, we request that they be rejected by the Court, or in the alternative, that Stiglitz be afforded an opportunity to respond. As I will be on vacation next week, if a response is allowed, it is requested that our papers be permitted to be filed on or before January 9, 2016.

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Thank you for your consideration.

Defendants may submit a response to Plaintiff's letter dated December 13, 2015 (Dkt. No. 54) on or before January 9, 2016.

No further submissions regarding the pending motion to dismiss filed by Defendant Stiglitz will be accepted from any party after that date.

Respectfully yours,

Dennis M. Perlberg

cc: **Via Mail**

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New York, New York 10128

Via email:

Mimi Rockcastle
Farm Family Insurance

Dean Eric Stiglitz
Laurie Anne Herboldsheimer

SO ORDERED:
12/18/15
HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE